

1 **Providence City Planning Commission Minutes**  
2 **Providence City Office Building**  
3 **15 South Main, Providence UT 84332**  
4 **April 27, 2016 6:00 pm**  
5

6 Chairman: Larry Raymond  
7 Commissioners: Rowan Cecil, Michael Harbin, Robert James, Wendy Simmons  
8

9 Skarlet Bankhead, City Recorder, swore in Michael Harbin as a member of the Planning Commission.

10 **Approval of the Minutes:**

11 **Item No. 1.** The Providence City Planning Commission will consider for approval the minutes of April 13, 2016.

12 **Motion to approve the minutes of April 13, 2016 as amended: R Cecil, second – W Simmons**

13 Page 2, line 23 – add how

14 Page 3, line 17 & 18 – base ratio

15 Page 3, line 20 – are

16 Page 3, line 30 – is not

17 Page 4, line 52 – addressed

18 **Vote: Yea: R Cecil, M Harbin, R James, L Raymond, W Simmons**

19 **Nay: None**

20 **Abstained: None**

21 **Excused: None**

22 **Action Items:**

23 **Item No. 1. Recommendation – Petition for Exception:** The Providence City Planning Commission will consider for  
24 recommendation to the City Council, a Petition for Exception from the requirements of Title 11 Subdivision  
25 Regulations, filed by Tie Geng and Gary Meunier, for property located at approximately 438 North 300 East.

- 26 • Gary Meunier, owner of subject property, wants to sell lot 0035. It is a narrow deep lot and he would like  
27 to split it into two parcels (east/west split) in order to make it easier to sell. They live on 0032 and already  
28 have existing road and utilities that services lot 0032. The front lot will be .539 acres and the back lot will  
29 be 1.160 acres; with an 18' easement going across the south side of the front lot for access to the back  
30 lot. He feels it would be advantageous to the city because the east/west split is the only feasible split for  
31 that lot due to frontage requirements. The front lot will have direct access onto 300 East; the rear lot will  
32 have an exclusive access via the proposed easement. A licensed surveyor has prepared a plat showing the  
33 dividing line, the easement, and the legal descriptions. He will provide a detailed description of the  
34 easement for the property deeds showing requirements for the back lot to be developed. He will provide  
35 survey work, mapping and easement description prior to approval. He does not feel it is necessary to go  
36 through the subdivision process to split this lot.
- 37 • L Raymond asked how 0017 is accessed.
- 38 • G Meunier said it is accessed through 0026 and 0032 from 300 East. That 16' wide strip is part of parcel  
39 0017.
- 40 • L Raymond asked how 0022 will be accessed.
- 41 • G Meunier said it is owned by the same person that owns 0021 so she could have an easement going into  
42 0022.
- 43 • R James asked what exactly G Meunier is asking for.
- 44 • S Bankhead said it would be a complete exception from the subdivision process. It would be sold by metes  
45 and bounds. It would not go through Executive Staff Review, fire inspections, no plats, no approval from  
46 Planning Commission. The staff report should reflect that the existing driveway will not service parcel  
47 0035.
- 48 • L Raymond said staff has recommended this be denied. If it is denied, what happens next?
- 49 • S Bankhead said he will go to city council and request the exception. If the city council denies him, he will  
50 have to go through the subdivision ordinance. He can either sell it as one piece or go through the  
51 subdivision process.
- 52 • R James asked how this benefits the city or the neighbors to bypass the subdivision process.
- 53 • G Meunier said he doesn't see how it will affect the neighbors. He does not see how going through the  
54 subdivision process has any effect on the neighbors. The only issue with the back lot is utilities and access

1 and fire protection. He thinks it creates more work for the city. If he is denied, he will drop his plan to  
2 subdivide and not go through the process. The person who buys the back lot should have to be the one to  
3 follow the subdivision process.

- 4 • L Raymond said the back lot, once the split is made, has no recourse unless something is written to give  
5 them the right of way and utility access.
- 6 • G Meunier said it could be added in the deed to the back lot and in the easement description.
- 7 • R James asked if the exception is given, what requires the owner, or anyone else, to record the easement.
- 8 • S Bankhead said any developer could make the same argument to be exempted from the subdivision  
9 process and those arguments would have the same validity.
- 10 • R James asked if he were to be exempted, what would the next process be?
- 11 • S Bankhead said he would go through a title company and a surveyor and record the deeds.
- 12 • W Simmons said anyone who subdivides their property has to go through the subdivision process.
- 13 • S Bankhead said the planning commission went through the process to change the ordinance taking out  
14 the 2 lot subdivision ordinance. While Mr. Meunier presents valid reasons to be exempted, there are a lot  
15 of people who could make those same points.
- 16 • G Meunier said the subdivision process is not for the right of way and utility easement for one parcel. It is  
17 for a shared right of way and utility easement.
- 18 • R James said he is concerned because a complete exception does not bind Mr. Meunier to anything.
- 19 • G Meunier said under Section 11-2-7.d5 of the code, the city can stipulate conditions for this exception.
- 20 • R James said just because Mr. Meunier does not see any concerns, does not mean concerns do not exist.  
21 He sees no reason to grant a complete exception to Title 11. However, there may be potential for some  
22 exception.
- 23 • L Raymond reminded G Meunier that planning commission only makes recommendations to the city  
24 council and the city council will make the decision.

25 **Motion to deny the petition for exception to the requirements of Title 11 Subdivision Regulations filed by Tie**  
26 **Geng and Gary Meunier: R James, second – R Cecil**

27 **Vote: Yea: R Cecil, M Harbin, R James, L Raymond, W Simmons**  
28 **Nay: None**  
29 **Abstained: None**  
30 **Excused: None**

31 Item No. 2. Recommendation - Rezone: The Providence City Planning Commission will consider for  
32 recommendation to the City Council, a proposed rezone from Agricultural (AGR) to Single-Family Medium (SFM)  
33 for Parcel No. 02-115-0022, an 18.81-acre parcel located at approximately 1100 South 400 East, requested by  
34 Sierra Homes, LLC.

- 35 • L Raymond said executive staff recommends SFT.
- 36 • R James said he has looked at every lot around this parcel. There are about 21 lots surrounding this  
37 parcel; of those, 11 are over an acre in size, regardless of zoning. About 16 of the 21 lots are over 1/3 acre  
38 and 3-4 are closer to a half acre. A number of lots surrounding this area are zoned SFT, some are SFE and a  
39 couple are SFL. The intent of the planning commission is to see what is best for the city and that area.  
40 Larger lots use more water, but have less sewer usage, possibly less fire hydrant usage and less car usage.  
41 The road is narrow. Safety is a concern. The developer says he will put in 30 lots, but it could be as much  
42 as 55 with SFT. That is a significant burden on roads in that area assuming 2 cars per road. SFL would  
43 reduce it to 15-20 lots with a significant potential reduction in traffic. Just from the standpoint of the  
44 planning commission, he leans toward SFL to keep the feel of the area intact and to keep traffic down.
- 45 • S Bankhead said the developer will be required to do some improvements of 400 East, but only for their  
46 portion of the subdivision.
- 47 • R James said there will still be problems on the north and south portion of the road that is not being  
48 addressed by the developer in this subdivision.
- 49 • R Cecil said traffic is a concern. There is barely room for one car.
- 50 • W Simmons agreed.

51 **Motion to recommend to city council that the rezone of the 18.81 acres owned by Benstock, LLC be rezoned**  
52 **from AGR to no smaller than SFL: R James, second – R Cecil**

53 S Bankhead said lot size flexibility is allowed, so some lots will be smaller than 20,000 sf, but none will be smaller  
54 than 12,000 sf.

1 **Vote: Yea: R Cecil, M Harbin, R James, L Raymond, W Simmons**  
2 **Nay: None**  
3 **Abstained: None**  
4 **Excused: None**

5 **Study Items:**

6 Study Item No. 2 was discussed first.

7 Item No. 2. Pending ordinance – Code Amendments to Providence City Code 10-6-1: The Providence City Planning  
8 Commission will consider code amendments to the Use Chart including but not limited to adding the words  
9 “counter top or” before the words “cabinet shop” in Item H. Industry and Manufacturing, Use 3.

- 10 • R James briefly reviewed the past history of this pending ordinance and the fact that the Checketts had  
11 made a distinction between counter top and cabinet shop, and the types of materials they use.
- 12 • W Simmons had a concern that items listed under 10-6-1.H were allowed in AGR, SFE, SFT, SFT, and SFR.  
13 She felt they should be allowed only in CGD, CHD and MXD.
- 14 • There was discussion about conditional use permits and how they operate. They go with the land use, not  
15 the person granted the CUP.
- 16 • S Eames expressed that she did not want any of these conditional uses that are being added.
- 17 • R James said his intent is that people should have some ability to use their property as they wish. Home  
18 businesses happen and are allowed to happen. The purpose of the conditional use permits is to mitigate  
19 any negative affect that that home business may have on any neighborhood. Conditions need to be  
20 mitigated to the point that neighbors do not know the business exists
- 21 • There was further discussion about conditional use permits, mitigating negative effects on the  
22 neighborhood and outgrowing the home use. Home businesses want to succeed and that success is what  
23 drives them from being a home business to a business that needs to be in a commercial zone.
- 24 • It was pointed out that not all businesses want to outgrow their conditional use permits.
- 25 • S Bankhead said there may be some uses that need to be identified specifically so they are not allowed in  
26 the city. Those businesses need to be identified, but then leave the entire row blank to show it is not  
27 allowed.
- 28 • R James said a lot of this was added when the attorney said we needed to add counter top and cabinet  
29 shop to the list. He felt the items should be identified, and he thought that was Heather Hansen’s intent  
30 also. C^ is a separate discussion.
- 31 • There was further discussion about the mitigation of negative effects of home businesses in  
32 neighborhoods and some of the difficulty in enforcing the code when some businesses outgrow home  
33 business status or the conditions of the CUP.
- 34 • R James suggested there is a lot of pushback from the community. He proposes removing conditional uses  
35 on items H.1-H.9. Leave conditional use on auto repair commercial highway or mixed use.
- 36 • S Bankhead asked the planning commission to consider adding P to CGD and MXD so single stand-alone  
37 offices could be included.
- 38 • L Raymond said a distinction needs to be made between landscape and yard or lawn maintenance.
- 39 • H.1 through H.8 will not be allowed. H.9 will be split into landscaping services and lawn  
40 maintenance/snow removal through SFR. Landscaping will not be allowed, lawn maintenance/snow  
41 removal will be allowed as a conditional use.
- 42 • Auto repair will not be allowed as a home based business, but will be allowed in CHD and MXD as a  
43 conditional use.
- 44 • S Bankhead asked planning commission if they wanted to allow any of those businesses (H.1-H.8) in CGD.
- 45 • R James said building maintenance, repair services and lawn maintenance should be allowed in CGD if  
46 they are going to be allowed in residential zones. H.17 should also be allowed in CGD. He thought auto  
47 repair, paint and body shop, bldg maintenance and repair services, general contractor yard,  
48 landscaping/lawn maintenance, HVAC shop/sales, motorcycle/snowmobile/ATV, etc. repair should be  
49 moved to commercial. It is a better category for them and it makes a difference in how the commission  
50 views some of these businesses. Manufacturing is for producing a product, not providing a service.
- 51 • S Bankhead said at one point, since there was a limited amount of commercial area, we did not want it to  
52 fill up with non-tax producing businesses. Now with the CHD zone it gives us the opportunity to allow non-  
53 sales tax types of businesses in CGD.
- 54 • R James said the intent of CHD is to allow sales tax generating businesses on the main thoroughfare.

- S Bankhead said a certain amount of non-sales tax producing businesses are allowed in CHD because people want their banks/credit unions convenient to where they do business. That is considered an incidental use (I).
- S Bankhead will make changes to the Use Chart for the next meeting.
- J Drew suggested a mission statement for the planning commission.
- S Bankhead said a statement needs to be put in the general plan.
- R James said zoning is very undefined.
- S Bankhead will put statements into the verbiage of the general plan and have it all on one chart.

Item No. 1. Proposed General Plan Amendments and Use Chart Uses: The Providence City Planning Commission will discuss possible amendments for the zoning element of the Providence City general plan; including the definitions for zoning districts.

- This item was not discussed.

Staff Reports: Any items presented by Providence City Staff will be presented as informational only.

- No staff reports.

Commission Reports: Items presented by the Commission Members will be presented as informational only; no formal action will be taken.

- No commission reports.

**Motion to adjourn: R Cecil, second - R James**

**Vote: Yea: R Cecil, M Harbin, R James, L Raymond, W Simmons**

**Nay: None**

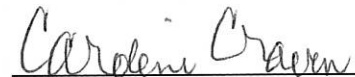
**Abstained: None**

**Excused: None**

Meeting adjourned at 7:40 pm.

Minutes recorded and prepared by C Craven.

  
Larry Raymond, Chairman

  
Caroline Craven, Secretary

# Planning Commission Meeting

April 27, 2016

Please Sign In

Name

City of Residence

Brant Parker

Roy Swedder

Stylar Smith

Sharell Eames

Providence

Logan

Providence

